

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

GARY TANAKA

Defendant.

US SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12-6-13


No. 05 Cr. 621 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of the two attached letters from Defendant's counsel requesting to withdraw as counsel and informing the Court that Defendant would like to be appointed different CJA counsel. In light of these requests, and the fact that there is no expected activity in this case until the issuance of the Second Circuit's mandate, IT IS HEREBY ORDERED THAT the parties shall appear for a conference on January 3, 2014 at 2:00 p.m. to address Defendant's representation.

SO ORDERED.

Dated: December 5, 2013  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

-against-

Docket Number: S3 05 Cr. 621 (RJS)

ALBERTO VILAR, et.al.,

-----X

**MOTION OF DEFENSE COUNSEL JANE FISHER-BYRIALSEN TO  
WITHDRAW AS COUNSEL FOR GARY TANAKA**

I, Jane Fisher-Byrialsen, hereby move this Court for an order granting permission to withdraw as counsel for Gary Tanaka in this matter. The reasons for this request set forth in the attached affirmation.

Dated: November 15, 2013  
New York, New York

Jane Fisher-Byrialsen, Esq.  
Fisher, Byrialsen & Kreizer, PLLC  
291 Broadway, Suite 709  
New York, New York 10007  
T: (212) 962-0848  
F: (212) 577-1178

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

AFFIRMATION

-against-

Docket Number: S3 05 Cr. 621 (RJS)

ALBERTO VILAR, et.al.,

-----X

1. On September 27, 2013, I was appointed to represent Gary Alan Tanaka pursuant to Criminal Justice Act.

2. Rule 1.16(4) of the Model Rules of Conduct provides that a lawyer may withdraw from representing a client if "the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement."

3. Mr. Tanaka and I have a fundamental disagreement concerning certain matters involving this case and my representation of him, and thereby the attorney client relationship has broken down.

4. This application is made after consultation with an expert in ethics and professional conduct and responsibility.

Dated: November 15, 2013  
New York, New York

\_\_\_\_\_/s/\_\_\_\_\_  
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December 4, 2013

Honorable Richard J. Sullivan  
United States Courthouse  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *United States of America v. Gary Tanaka*, 05 CR 621 (RJS)  
**Request for Substitution Counsel on Behalf of Mr. Tanaka**

Your Honor,

I am the attorney assigned to represent Mr. Tanaka in the above reference matter. I am writing on Mr. Tanaka's behalf to inform the Court that Mr. Tanaka wishes to withdraw his request to proceed *pro se* in this case. However, Mr. Tanaka also requests that I inform the Court that he would like alternate CJA counsel appointed to represent him.

Very truly yours,

/s/

Jane H. Fisher-Byrialsen, Esq.  
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